

October 3, 2007

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, October 3, 2007, in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Weideman.

**3. ROLL CALL**

Present: Commissioners Browning, Gibson, Horwich, Uchima, Weideman and Chairperson Busch.

Absent: Commissioner Faulk.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

Planning Manager Lodan relayed Commissioner Faulk's request for an excused absence.

**MOTION:** Commissioner Weideman moved to grant Commissioner Faulk an excused absence. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on September 27, 2007.

**5. APPROVAL OF MINUTES – September 5, 2007**

**MOTION:** Commissioner Horwich moved for the approval of the September 5, 2007 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Faulk).

**6. REQUESTS FOR POSTPONEMENT**

None.

**7. ORAL COMMUNICATIONS #1**

**7A.** Mary Ann Reis, 1333 Engracia Avenue, suggested that a sign be posted warning motorists about the dip in the roadway at the five-point intersection where El Dorado, Arlington and Engracia converge.

Planning Manager Lodan offered to relay Ms. Reis's suggestion to the Traffic Division.

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Chairperson Busch reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS**

**8A. MIS07-00277: ENGLS SHEN & ASSOCIATES, INC.**

Planning Commission consideration for approval of a one-year time extension of a previously approved Conditional Use Permit (CUP05-00025) for the construction of two new condominium units and a Division of Lot (DIV)05-00013) for condominium purposes on property located in the R-2 Zone at 24217 Ward Street.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

**MOTION:** Commissioner Browning moved for the approval of MIS07-00277, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote, with Commissioner Weideman abstaining (absent Commissioner Faulk).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 07-111.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-111. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote, with Commissioner Weideman abstaining (absent Commissioner Faulk).

**9. CONTINUED HEARINGS**

**9A. LUS07-00001: CITY OF TORRANCE (CONSTRUCTION DAYS AND HOURS)**

Planning Commission consideration of amendments to portions of the Torrance Municipal Code to further restrict hours and days in which construction is permitted.

Sr. Planning Associate Santana reported that, as directed at the last meeting, staff had separated the provision limiting decibels from the restrictions on days/hours of construction and listed several options for hours of construction based on Commissioners' comments. He advised that a new provision was included exempting properties zoned commercial, industrial or redevelopment from days/hours restrictions if they are at least 300 feet away from residential properties, as discussed at the previous meeting. He called attention to correspondence from a resident raising the issue of whether noise restrictions would apply to property maintenance equipment, such as lawn mowers and weed-whackers, or be limited to construction-related noise.

A brief discussion ensued regarding the adequacy of the proposed limit of 50 decibels for activities that take place outside the permitted hours of construction.

Sr. Planning Associate Santana advised that 50 decibels is called out in the General Plan and in the City's Noise Ordinance, therefore staff was recommending the same limit for the sake of consistency.

Chairperson Busch invited public comment.

Alex Rose, Continental Development Corporation, owner of Skypark Medical and Office Center, voiced support for the proposal to exempt commercial and industrial properties from days/hours of construction limits if they are not adjacent to residential properties. He requested that if the Commission decides to extend noise limits to property maintenance equipment, that the same exemption be applied.

Jackie Decker, 23102 Carlow Road, noted that construction activities like sand blasting and jack hammering can be extremely noisy and asked about the possibility of placing decibel limits on these types of activities.

Commissioner Browning explained that in most cases there is no way to restrict this type of equipment because it is a necessary part of construction; that quieter equipment can be less efficient thereby prolonging the construction process; and that the Commission was recommending more restrictive the hours of construction so residents would at least be able to enjoy early morning and evening hours without this kind of disturbance.

Ms. Decker stated that she favored limiting hours of construction to from 7:00 a.m. or 7:30 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday, with no construction on Sundays or holidays.

Tom Rische, 22920 Carlow Road, urged that the Commission address the issue of loud radios on construction sites and noise from gardeners.

Mary Ann Reis, 1333 Engracia Avenue, stated that she believed 8:00 p.m. was an appropriate end time for construction.

Dayna Berman, 1504 Post Avenue, expressed concerns that prohibiting construction on Sundays could be a hardship for residents whose only day off is Sunday, therefore, that is the only day they can get things done.

A brief discussion ensued, and it was the consensus of the Commission to limit the scope of the amended ordinance to construction-related activities and to add language to eliminate any ambiguity. The following wording was approved:

That construction and/or any activity related to a Building Permit involving the creation of noise beyond 50 db as measured at property lines shall be limited to the day and hour restrictions provided in this section.

Commissioner Horwich suggested that the problem with noise from gardeners could be addressed by clearly stating on their business licenses that they may work only between sunrise and sunset.

Referring to the staff report, Commissioner Horwich, echoed by Chairperson Busch and Commissioner Gibson, commended Sr. Planning Associate Santana for doing an excellent job of capturing Commissioners' comments from the previous meeting and presenting a list of potential options.

A brief discussion ensued regarding hours of construction, and it was the consensus of the Commission to recommend that they be limited as follows:

Monday through Friday, 7:30 a.m. to 6:00 p.m.; Saturday, 9:00 a.m. to 5:00 p.m., with no construction permitted on holidays or Sundays except for homeowners, who may work on Sunday from 9:00 a.m. to 3:00 p.m. if they reside on the property.

Discussion continued, and Commissioners noted their concurrence with the three other items in the staff recommendation: 1) Allowing the Community Development Director the discretion to approve expanded hours of construction if conditions warrant; 2) Requiring a sign to be posted on construction sites with contact information, etc.; and 3) Exempting properties zoned commercial, industrial or redevelopment if a minimum buffer of 300 feet is maintained from residences.

**MOTION:** Commissioner Weideman moved to direct staff to prepare a Draft Ordinance incorporating the above-mentioned revisions and forward it to the City Council. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Faulk).

Chairperson Busch requested that it be noted that the Commission voted unanimously to recommend that the above-mentioned revisions be enacted when this item is forwarded to the City Council.

The Commission recessed from 8:12 p.m. to 8:22 p.m.

**10. WAIVERS – None.**

**11. FORMAL HEARINGS**

**11A. CUP07-00024, TTM069717: CAPELLINO & ASSOCIATES**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of a new professional office condominium development in conjunction with a Tentative Tract Map for condominium purposes, which would include the abandonment of a portion of Sartori Avenue, on property located in the C-1 Zone at 1104 Sartori Avenue.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request and noted supplemental material available at the meeting consisting of revised code requirements.

Mark Capellino, Capellino & Associates, applicant, voiced his agreement with the recommended conditions of approval. He noted that his company has developed projects in downtown Torrance in the past and related his belief that the proposed project will be successful and an asset to the community.

In response to Commissioner Gibson's inquiry, Mr. Capellino advised that the property to the north of subject property was sold to Tips Cadillac and was not part of the proposal.

Referring to renderings, Mr. Capellino briefly described the proposed project, which consists of a three-story office building with stone veneer and metal awnings at street level to create a pedestrian friendly environment.

James Cohn, owner of apartment building at 1116 Sartori Avenue, stated that he thought the proposed building was attractive and would be an improvement to the area, however, he was concerned that his building might be damaged by excavation and that windows in his building adjacent to the project would face a blank wall only a couple of feet away.

Plans Examiner Noh explained that the applicant will be required to submit a soils report before any grading can take place and all structural calculations will be reviewed to ensure that there is no impact to neighboring properties.

Planning Manager Lodan reported that the majority of the building is set back three feet from the property line adjacent to Mr. Cohn's building and related his understanding that the stairway area at the property line was located with the windows in mind.

Michael Sabin, 1116 Sartori Avenue, #210, expressed concerns that the project will add traffic to the already busy alleyway. He questioned why there are parking restrictions on Sartori Avenue in front of the former Switzer Center building as they don't seem to be enforced and asked if they would be removed in conjunction with this project.

Planning Manager Lodan advised that no changes to parking were proposed at this time and offered to relay Mr. Sabin's comments to the Traffic Division.

Commissioner Gibson noted that the Switzer Center operated a school and the parking restrictions may have been there for buses.

Don Barnard, president of Save Historic Old Torrance, voiced objections to the proposed project, maintaining that it was too large and its façade was too modern and out of character with this historic area of downtown Torrance. He stressed the need to consider how this building will fit in with long-range plans for the Old Torrance area.

Commissioner Weideman questioned at what point Old Torrance ends and the Honda campus begins because the proposed architecture would seem to be compatible with Honda buildings.

Mr. Barnard explained that the Honda campus sits on industrial property that was never a part of Old Torrance, however, the subject lot is located at the mouth of a main street in the Old Torrance business district that residents would like to see rejuvenated.

Mary Ann Reis, 1333 Engracia Avenue, requested clarification of setback requirements. She stated that she did not believe the proposed project fits in with the beautiful older buildings that surround it and that she was also concerned about the impact on traffic.

Plans Examiner Noh advised that there are different setback requirements for different types of construction/different types of usage and confirmed that a zero lot line is permitted in some cases.

Jim Anastasio, 406 Amapola Avenue, broker for the property, noted that the property abuts industrial-zoned property on Van Ness and the area is a blend of industrial, residential and commercial uses. He explained that the Capellinos are very sensitive to historical Torrance and developed The Depot restaurant, which started the whole process of rejuvenating the downtown area. With regard to the sale of the property, he reported that all parties – the Capellinos, the Switzer Center, and Tips Cadillac – worked together with staff to try to do what's best for the Torrance marketplace at this location.

Howard Fischkes, 1211 Cabrillo Avenue, stated that Sartori Avenue north of Torrance Boulevard has become very seedy and rife with gang activity and is in need of redevelopment and that he welcomed the proposed project because he believed it would clean up the area and open the door for future development.

Responding to audience member comments, Mark Capellino stated that he was fully aware of the need to take every precaution to protect adjacent structures and expressed confidence that the project could be constructed without damaging Mr. Cohn's building. He noted that Mr. Cohn's building has non-rated openings on zero property line which has necessitated a larger than required setback for his project. With regard to the alley, he reported that the majority of the parking stalls will take access from the main driveway, with only a few taking access from the alley, and that the alley will be resurfaced in conjunction with the project so the net result will be an improvement. Referring to claims that the building is too large, he explained that the proposed building is no larger than what is being torn down.

Commissioner Browning stated that he felt there was a need for this type of project, but was having difficulty supporting it because of its modern architecture.

Mr. Capellino reported that the project was designed with guidance from staff; disputed the idea that the design was ultra-modern, pointing out the stone veneer, cornices and awnings; and related his belief that it was very appropriate for this area. He indicated, however, if there were specific design elements Commissioners found objectionable, he would try to address them.

Commissioner Browning asked about the possibility of incorporating arches.

Mr. Capellino explained that a design with arches was considered, however, arches are typical of Mediterranean architecture and can create a closed-in look so the decision was made to go with a more linear, open design.

Commissioner Gibson asked about the project's relationship to the adjacent apartment building, and Mr. Capellino advised that the proposed building would sit closer to the street and might be slightly taller, but he wasn't sure.

**MOTION:** Commissioner Horwich moved to close the public hearing. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding Condition No. 13, which requires the applicant to provide verification that the interior noise level of the offices will comply with the Code. He explained that this is a fairly standard condition meant to ensure that any external noise sources are mitigated in the design of the structure.

Commissioner Weideman stated that he agrees this area needs to be redeveloped, but stressed the need for an overall plan. He indicated that had doubts about whether the project fits the character of the neighborhood and was inclined to vote against it.

Commissioner Uchima related his belief that the project was attractive and appropriate for this site as it would provide a transition from industrial uses on Van Ness and the commercial/retail zone to the south and west. He noted that the architecture echoes the linear design of nearby Honda buildings.

Indicating that she would not support the project as proposed, Commissioner Gibson objected to the comparison with the Honda campus, noting that Honda is located on a massive piece of property and does not impact anyone as opposed to this project, which would greatly impact the neighborhood.

Chairperson Busch stated that he thought the project was good in concept, but he also had a problem with its design. He suggested the possibility of continuing the hearing and allowing the applicant an opportunity to redesign the project.

The public hearing was reopened so the applicant could comment.

Mark Capellino stated that he had hoped to have the project voted on this evening, but would consider a continuance.

Rick Capellino expressed concerns about the lack of clear direction from commissioners regarding what exactly they find objectionable about the project. He reported that the project has already been through two redesigns at the staff level and doubted that another redesign would be productive unless commissioners could be more specific.

**MOTION:** Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Commissioner Uchima stated that he thought the applicant's request for guidance was reasonable and suggested that there are newer buildings in the area that commissioners could use as examples of architecture they would find acceptable. He noted that it's very costly to redesign a project and related his belief that it was unfair to expect someone to incur this expense without any clear direction from the Commission.

Commissioner Weideman offered examples of buildings he likes in the downtown area, including The Depot, the Red Car Brewery, and older style buildings on Post Avenue. He expressed the hope that the City would eventually have a plan in place to deal with this historical area.

Commissioner Browning stated that he did not feel qualified to redesign the project, therefore, he favored denying the project without prejudice.

**MOTION:** Commissioner Browning moved to deny CUP07-00024 and TTM069717 without prejudice. The motion was seconded by Chairperson Busch and passed by a 4-2 roll call vote, with Commissioners Horwich and Uchima dissenting (absent Commissioner Faulk).

Planning Manager Lodan noted that resolutions reflecting the Commission's action would be brought back for approval at the next meeting.

**11B. PRE07-00015: LANE BUILDING DESIGN (CAREY MARTZ)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5455 Linda Drive.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

Gary Lane, project designer, voiced his agreement with the recommended conditions of approval. He briefly described the proposed project, noting that the 9800 square-foot lot could have accommodated a much larger residence.



Commissioner Browning commended Mr. Lane for doing an excellent job of designing the project, which is well within guidelines in the Hillside Ordinance.

**MOTION:** Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Chairperson Busch voiced support for the project.

**MOTION:** Commissioner Uchima moved for the approval of PRE07-00015, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Faulk).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 07-110.

**MOTION:** Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 07-110. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Faulk).

The Commission recessed from 9:15 p.m. to 9:25 p.m.

**11C. PRE07-00011, WAV07-00009: RANDY ROVEGNO**

Planning Commission consideration for approval of a Precise Plan of Development for the construction of first and second-story additions to an existing two-story, single-family residence in conjunction with a Waiver for a reduction of the required side yard setback on property located within the Hillside Overlay District in the R-1 Zone at 406 Via Mesa Grande.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the completion of the agenda item.

Commissioner Uchima announced that he lives within the notification area, therefore, he would not be participating in this hearing and exited Council Chambers.

Randy Rovegno, 406 Via Mesa Grande, voiced his agreement with the recommended conditions of approval. He briefly described the proposed project, noting that 1600 square feet of his lot is unbuildable due to the steep slope at the rear and pointed out that the FAR and lot coverage are well under the maximum allowed in the Hillside Overlay District.

Andy Michell, 425 Via La Soledad, indicated that he was speaking for himself and neighbors at 405, 417, 429 and 433 Via La Soledad and 409 Via Anita, all of whom have views that are impacted by the proposed project. He reported that in his case, the

project would take away a city-light and tree view and urged commissioners to visit affected residences because photographs in the agenda item do not adequately convey the view blockage. He stated that although the project does not block a large part of any one of their views, the impact is great when considered all together. He maintained that an addition could be built onto the rear of the house instead of building up.

Commissioner Browning noted that he visited Mr. Michell's home the previous Saturday and it appeared that someone was home but would not answer the door. He stated that he made observations from various locations since he was not able to make personal contact and observed that Mr. Michell's house was barely visible from the applicant's home.

Commissioner Horwich reported that he viewed the silhouette from Mr. Michell's balcony and observed that it was well below any city-light view. He noted that adding onto the rear of the house would leave no backyard for children to play.

Kathy Pahlow, 402 Via Anita, stated that she had no objections to the project and thought the Rovegnos had gone out of their way to avoid impacting her home. She indicated that her only concern was that a survey revealed that the existing wall between their properties encroached two feet onto her property and requested assurance that the removal of the existing wall and the building of a new wall on the property line would be allowed.

Planning Manager Lodan confirmed that the existing wall could be removed and rebuilt at another location as long as the necessary building permits are obtained.

Commissioner Gibson asked who would bear the cost of the new wall, and Ms. Pahlow indicated that she would work that out with her neighbors.

Commissioner Weideman noted that the applicant has requested a Waiver to allow the new construction on the second floor to match the existing side yard setback on the first floor, and Ms. Pahlow confirmed that she had no objection to the Waiver.

Case Bor, 407 Via Anita, stated that he supports the project and believes it will improve the neighborhood.

Returning to the podium, Mr. Rovegno disputed the claim that the proposed project would block anyone's view. He reported that he was very familiar with the Hillside Ordinance and specifically purchased a home with an existing second story and carefully designed the project to avoid a long ongoing debate.

Commissioner Browning stated that he did not believe the project would have any impact on the view, light, air or privacy of neighbors. Referring to Code requirements, he offered suggestions regarding how the applicant could meet safety requirements by relocating a window in a first floor bedroom and encouraged the applicant to work with Building and Safety staff on these items.

**MOTION:** Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Commissioner Weideman reported that he visited the properties in question and did not observe an impact on view, light, air or privacy.

Chairperson Busch voiced support for the project, stating that he believed it was in compliance with the Hillside Overlay Ordinance.

**MOTION:** Commissioner Browning moved for the approval of PRE07-00011 and WAV07-00009, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Faulk and Uchima).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 07-108 and 07-109.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 07-108 and 07-109. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Faulk and Uchima).

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS** – None.

15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

16. **TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the October 17, 2007 Planning Commission meeting.

A brief discussion ensued, and it was the consensus of the Commission to begin the October 17 meeting at 6:00 p.m. due to the Public Workshop Item on rooftop decks.

17. **ORAL COMMUNICATIONS #2**

17A. Don Barnard, Save Historic Old Torrance, invited everyone to attend SHOT's next meeting on October 11, which will include tips on saving energy in historic houses.

17B. Chairperson Busch relayed requests from Commissioner Uchima and Commissioner Faulk for excused absences from the next meeting.

Hearing no objection, Chairperson Busch so ordered.

17C. Commissioner Browning thanked legal staff and Building and Safety staff for assistance provided over the past week.

17D. Commissioner Browning asked about the possibility of changing the FAR limit listed in staff reports for Hillside Overlay cases from 0.60 to 0.50 to avoid confusion.

Planning Manager Lodan explained that from staff's perspective, 0.60 is the limit and 0.50 is simply the threshold over which additional findings must be made.

**17E.** Commissioner Weideman stated that he was pleased that commissioners were able to work together and arrive at a recommendation to forward to the City Council on revisions to permitted days/hours of construction.

**17F.** Chairperson Busch thanked staff, the Commission, and the public for their input on the revisions to the days/hours of construction and expressed the hope that the City Council would adopt them without change.

**18. ADJOURNMENT**

At 10:10 p.m., the meeting was adjourned to Wednesday, October 17, 2007 at 6:00 p.m.

Approved as Submitted November 7, 2007 s/ Sue Herbers, City Clerk
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